

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

October 22 , 2007

Mr. Jeffery D. Harris  
Ellison, Schneider & Harris LLP  
2015 H Street  
Sacramento, CA 95814-3109

<b>DOCKET</b>	
<b>07-AFC-5</b>	
<b>DATE</b>	OCT 22 2007
<b>RECD.</b>	OCT 22 2007

**RE: Cultural Resources, Confidentiality Application,  
Ivanpah Solar Electric Generating System, Docket No. 07-AFC-05**

Dear Mr. Harris:

On October 10, 2007, the Ivanpah Solar Electric Generating System (Ivanpah), as part of the above-referenced project, filed an amended application for confidentiality with the California Energy Commission. The confidentiality application seeks confidentiality for "Volume 1 and Volume 2: Confidential Cultural Resources Appendices (CHRIS Reports), and Attachment CR1-b."

Ivanpah is asking for the submitted information:

be held confidential indefinitely in order to protect the cultural resources . . . . The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential."

The California Public Records Act recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of the cultural resource information that Ivanpah has submitted is expressly in the public interest. Therefore, Ivanpah's confidentiality application is granted in its entirety, and the information will be kept confidential for an indefinite period.

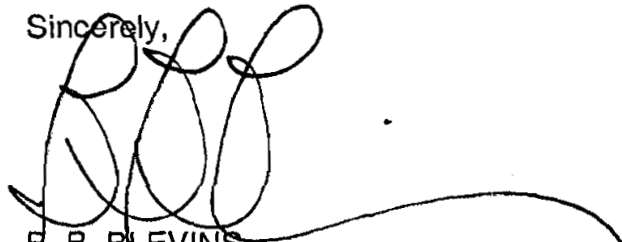
Any subsequent submittals related to cultural and/or paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if

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you file a certification under penalty of perjury that the new information is substantially similar to that which is granted confidential status by this determination.

Finally, persons may petition to inspect or copy the records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any further questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,



B. B. BLEVINS  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager